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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/357,841	07/21/1999	MOTOHIDE OTSUBO	017344-0299	9792
7590	11/03/2004			EXAMINER
FOLEY & LARDNER			SCHLAIFER, JONATHAN D	
3000 K ST NW			ART UNIT	PAPER NUMBER
SUITE 500			2178	
P O BOX 25696				
WASHINGTON, DC 200078696			DATE MAILED: 11/03/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/357,841	OTSUBO, MOTOHIDE	
	Examiner	Art Unit	
	Jonathan D. Schlaifer	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 22 September 2004.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 3-23 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 3-23 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 02 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This action is responsive to communications: RCE filed on 3/2/2004.
2. Claims 3-23 are pending in the case. Claims 1 and 2 have been cancelled. Claims 19-23 are new. Claims 3-13 and 16-17 have been amended.
3. The rejections of claims 17-18 under 35 U.S.C. 103(a) as being unpatentable over Catapult, Inc. further in view of Jaakkola have been withdrawn as necessitated by amendment.
4. The rejections of claims 3 and 5-6 and 11-12 under 35 U.S.C. 103(a) as being unpatentable over Catapult, Inc. further in view of Microsoft Corporation, further in view of Jaakkola further in view of Hahn have been withdrawn as necessitated by amendment.
5. The rejections of claim 4 under 35 U.S.C. 103(a) as being unpatentable over Catapult, Inc. further in view of Microsoft Corporation further in view of Jaakkola further in view of Hahn further in view of Hikida has been withdrawn as necessitated by amendment.
6. The rejections of claims 7 and 9-10 under 35 U.S.C. 103(a) as being unpatentable over Catapult, Inc. further in view of Microsoft Corporation further in view of Jaakkola further in view of Hahn further in view of Parry have been withdrawn as necessitated by amendment.
7. The rejections of claims 8 and 13-16 under 35 U.S.C. 103(a) as being unpatentable over Catapult, Inc. further in view of Microsoft Corporation further in view of Jaakkola further in view of Hahn further in view of Costales have been withdrawn as necessitated by amendment.

***Claim Objections***

8. Claim 22 objected to because of the following informalities: In line 5, “document” should be “documents”. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Blinn et al. (USPN 5,897,622—filing date 10/16/1996), hereinafter Blinn.**

10. **Regarding independent claim 22,** Blinn discloses a method of editing a plurality of mark-up language, structured document and generating a resultant document reflecting the edit results (see Abstract, lines 15-25, pages are generates using templates with embedded directives), comprising the steps of: (a) acquiring at least a first and a second of mark-up language, structured documents in a document edit system (in col. 10, lines 15-45, HTML templates are parsed), (b) extracting at least a first and second element in a first mark-up language document and a third and fourth element in a second mark-up language document using an element edit statement which specifies the first and third elements to be extracted by a first common identifier or tag and specifies the second and fourth elements of by a second common identifier or tag, wherein the elements are extracted while the relationship of the first and second elements and the third and fourth

elements is maintained (in col. 10, lines 15-45, SQL is used to retrieve information and the structured relationship is maintained); and (c) generating said resultant document, wherein said resultant document includes an arrangement of elements extracted in step (b) such that said first and third elements are arranged together with each being arranged in association with said second and fourth elements respectively (in col. 10, lines 40-65, a syntax tree is used to produce an ordered template-based arrangement of the HTML content) (Note: Figures 4 and 6 also depict graphically the elements of the method.).

11. **Regarding independent claim 23,** A method of editing a plurality of mark-up language documents each containing a plurality of structured element and generating a resultant document reflecting the edit results(see Abstract, lines 15-25, pages are generates using templates with embedded directives),, said method comprising the steps of: (a) acquiring at first and a second of mark-up language structured documents to be edited into a document edit system(in col. 10, lines 15-45, HTML templates are parsed), (b) acquiring an element edit statement into said document edit system, said element edit statement comprising a plurality of edit instructions for searching at least a first and second element in the at least first and second mark-up language structured documents(in col. 10, lines 15-45, SQL is used to retrieve information and the structured relationship is maintained); (c) defining an element search portion, said element search portion containing a plurality of elements in the at least first and second mark-up language structured documents (SQL inherently has a defined search portion); (d) implementing match operations between an element defined in said element edit statement and each of the elements in said element search portion of each of said first and second mark-up language structured documents,

and ascertaining at least a first and second element of said element search portion of said first mark-up language structured document which matches at least a first and second element defined in said element edit statement, and at least a third and fourth element of said element search portion of said second mark-up language structured document which matches at least a second element defined in said element edit statement, the matched element being extracted from said at least first and second mark-up language structured document if the matched element is indicated as being extracted, the extracted element being stored in an edit result storage, and said match operations being repeated until completing all the edit instructions in the element edit statement (in col. 10, lines 15-45, SQL is a search language which would allow for repeated search querying); and (e) generating said resultant document, wherein said resultant document includes an arrangement of elements extracted in step (d)) such that said first and third elements are arranged together with each being arranged in association with said second and fourth elements respectively (there is a dynamic page generator which operates in this manner in col. 10, lines 40-65).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**12. Claims 3, 17-18 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Blinn, further in view of Catapult, Inc. (“Microsoft Word 97: Step by Step”, 1997)**

**13. Regarding dependent claim 3**, Catapult, Inc., on pages 191-192, describes Microsoft Word’s capability to edit multiple documents on a document-by-document basis.

**14. Regarding dependent claim 17**, Blinn fails to disclose acquiring another element edit statement into said document edit system, said another element edit statement being used to edit the elements which have been extracted. However, Catapult, Inc., on page 89, shows that the Find feature in Word is designed to respond to multiple user requests. It was notoriously well known at the time of the invention that users often needed to find and retrieve multiple requests to serve multiple search needs. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow for multiple requests, thereby acquiring another element edit statement into said document edit system, said another element edit statement being used to edit the elements which have been extracted to serve multiple search needs.

**15. Regarding dependent claim 18**, Blinn and Catapult fail to disclose that said another element edit statement comprises another set of document editing instructions which are used for initializing a plurality of variables provided for editing the elements extracted, pre-editing, post-editing, and arranging the elements extracted. However, it was notoriously well known at the time of the invention that a word processor’s search feature would initialize variables relevant to follow-up searches in order to allow the word processor to operate. It would have been obvious to one of ordinary skill in the art at the time of the invention to follow common word processing practice and arrive at a method

wherein said another element edit statement comprises another set of document editing instructions which are used for initializing a plurality of variables providing for editing the elements extracted, pre-editing, post-editing, and arranging the elements extracted in order to allow the word processor to operate.

- 16. Claims 5-6 and 11-12 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Blinn, further in view of Jaakkola, et al. (“sgrep – search a file for a structured pattern”), hereinafter Jaakola**
- 17. Regarding dependent claim 5**, Blinn fails to disclose that said element edit statement contains a tag which is delimited using two selected characters, said tag being used to define an element which is an identified element in the element search portion of the document. However, Jaakkola on page 5 notes that a region expression may be delimited by parentheses, and this constitutes a method wherein said element edit statement contains a tag which is delimited using two selected characters, said tag being used to define an element which is an identified element in the element search portion of the document. It would have been obvious to one of ordinary skill in the art at the time of the invention to follow the teachings of Jaakola to delimit tags in order to successfully define elements.
- 18. Regarding dependent claim 6**, Blinn fails to disclose that the element edit statement contains a character pattern consisting of normal text characters in sequence. Jaakola on page 5 indicates that basic expressions, which are the main constituents of searches, may contain phrases. Hence, this constitutes a method wherein said element edit statement contains a character pattern consisting of normal text characters in sequence. It would

have been obvious to one of ordinary skill in the art at the time of the invention to use normal text characters in sequence because this would use the main constituents of searches.

19. **Regarding dependent claim 11**, Blinn fails to disclose that said element edit statement contains a hierarchy connector defined by inserting no character between first and second element-defining names, said hierarchy connector being used to determine if an element defined by said first-element defining name involves an element defined by said second element-defining name. However, Jaakkola reveals from the way expressions are built up on page 5 that successive regions are recognized successively. Hence, sgrep as portrayed by Jaakkola would behave as if it had a hierarchy connector defined by inserting no character between first and second element-defining names, said hierarchy connector being used to determine if an element defined by said first element-defining name involves an element defined by said second element-defining name when used upon a structured document. It would have been obvious to one of ordinary skill in the art at the time of the invention to use hierarchy connectors as in Jaakkola because they would help establish the hierarchy of tags.

20. **Regarding dependent claim 12**, Blinn fails to disclose that said element edit statement contains parentheses involving a plurality of element-defining names that are preferentially processed. Jaakkola discloses on page 5 that in sgrep, the element edit statement contains parentheses involving a plurality of element-defining names that are preferentially processed. It would have been obvious to one of ordinary skill in the art at

the time of the invention to use parentheses to establish preferential processing because this is convention and gives the user added flexibility.

- 21. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blinn further in view of Hikida (USPN 5,737,737—filing date 5/19/1993)**
- 22. Regarding multiply dependent claim 4,** Blinn fails to disclose a method wherein the elements stored in said edit result storage are further edited before being retrieved from said document edit system. However, Hikida, in col. 37, lines 8-17, discloses that edit processing is an option following a search in order to help process the results of the search. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teachings of Hikida about processing search results to develop a method wherein the elements stored in said edit result storage are further edited before being retrieved from said document edit system in order to help process the results of the search.
- 23. Claims 7 and 9-10 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Blinn further in view of Jaakkola further in view of Parry (USPN 6,077,085—filing date 5/19/1998)**
- 24. Regarding dependent claim 7,** Blinn fails to disclose that said element edit statement contains a wild card tag which is defined by a selected character delimited using two selected characters, said wild card tag being used to determine structured layers in the element search portion of the document. Jaakkola discloses, on page 10, a syntax for a wild card tag which is two periods in sequence between identifying blocks delimited by two braces, which are two selected characters. This constitutes a method wherein said

element edit statement contains a wild card tag delimited using two selected characters, said wild card tag being used to determine structured layers in the element search portion of the document. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a wildcard because it would have provided the user with greater flexibility while searching. However, Blinn and Jaakkola fail to disclose that the wild card tag is a single character. However, Parry in col. 7, lines 43-55 shows the use of the single character '\*' as a wild card in order to compactly represent a wild card in a search string. It would have been obvious to one of ordinary skill in the art at the time of the invention to use Parry's teachings about the use of the asterisk to represent a wildcard with one character in order to compactly represent a wild card in a search string.

25. **Regarding dependent claim 9**, Blinn fails to disclose a method wherein said element edit statement contains an extraction indicator defined using a selected character and accompanying a character sequence, said extraction indicator being used to extract an element form the element search portion of the document if said character sequence matches the element in the element search position. However, Jaakkola discloses on page 10 the use of "containing" as an extraction indicator accompanying a character sequence, said extraction indicator being used to extract an element from the element search portion of the document if said character sequence matches the element in the element search portion. It would have been obvious to one of ordinary skill in the art at the time of the invention to use an extraction indicator to facilitate information retrieval. However, Blinn and Jaakkola fail to disclose that the extraction indicator is a single character. However, Parry in col. 7, lines 43-55 shows the use of the single character '\*'.

as a wildcard in order to compactly represent a search operator in a search string. It would have been obvious to one of ordinary skill in the art at the time of the invention to use Parry's teachings about compact representation of search operators to represent "containing" with an arbitrary character in order to compactly represent a search operator in a search string.

26. **Regarding dependent claim 10**, Blinn fails to disclose that said element edit statement contains a sequence connector defined by a selected character, said sequence connector accompanying two element-defining names as both sides of said sequence connector accompanying two element-defining names at both sides of said sequence connector, said sequence connector specifying, in the element search portion, two elements positioned in the same order of said two element-defining names. However, Jaakkola discloses on page 10 the use of ".." as a sequence connector, said sequence connector accompanying two element-defining names at both sides of said sequence connector, said sequence connector specifying, in the element search portion, two elements positioned in the same order of said two element-defining names. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a sequence connector because it would have given the user greater control over the processing. However, Blinn and Jaakkola fail to disclose that the wild card tag is a single character. However, Parry in col. 7, lines 43-55 shows the use of the single character '\*' as a wild card in order to compactly represent an operator in a search string. It would have been obvious to one of ordinary skill in the art at the time of the invention to use Parry's teachings about compact representation of

search operators to represent “..” with an arbitrary character in order to compactly represent an operator in a search string.

**27. Claims 8 and 13-16 remain rejected under 35 U.S.C. 103(a) over Blinn, further in view of Jaakkola further in view of Costales (“C from A to Z”, 1985)**

**28. Regarding dependent claim 8**, Blinn fails to disclose a method, wherein said element edit statement contains a negation indicator which is defined using a selected character and accompanies an element-defining name, said negation indicator being used to define an element wherein an element match is not established with a character sequence immediately following said negation indicator. However, Jaakkola discloses on page 10 that one may use “not containing” as part of a search string as a negation indicator that accompanies an element-defining name, said negation indicator being used to define an element wherein an element match is not established with a character sequence immediately following said negation indication (“not containing indicates what to avoid”). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Blinn and Jaakkola in order to allow the user control over the status of elements in the processing. However, Blinn and Jaakkola fail to disclose that the negation indicator is a single character. However, Costales, on page 41, indicates that the minus sign (-) is used in the C language to indicate negation compactly. It would have been obvious to one of ordinary skill in the art at the time of the invention to denote negation compactly in the manner of Costales and use a minus sign as a single character for negation.

29. **Regarding dependent claim 13**, Blinn fails to disclose wherein said element edit statement contains an AND connector defined using a selected character and accompanying first and second element-defining names which are provided so as to sandwich said AND connector, said two element-defining names being used to determine if the element, which forms part of the element search portion and is defined by said first element-defining name, either follows or precedes the element which is defined by said second element-defining name. Jaakkola discloses on page 8 that one may use the ‘\_\_’ linking keyword in sgrep to provide functionality such that by using the ‘in’ keyword, it will work as for an AND connector accompanying first and second element-defining names which are provided so as to sandwich said AND connector, said two element-defining names being used to determine if the element, which forms part of the element search portion and is defined by said first element-defining name, either follows or precedes the element which is defined by said second element-defining name, because ‘\_\_’ establishes a joint region based on the two elements. It would have been obvious to one of ordinary skill in the art at the time of the invention to use an AND connector to provide logical flexibility in the processing. Blinn and Jaakola fail to disclose that the AND connector is a single character. However, Costales, on page 236, indicates that the ampersand (&) is used in the C language to indicate bitwise AND compactly. It would have been obvious to one of ordinary skill in the art at the time of the invention to denote the AND operator compactly in the manner of Costales and use an ampersand as a single character for AND.

30. **Regarding dependent claim 14**, Blinn fails to disclose a method, wherein, if either of said first or second element-defining names sandwiching said AND connector specifies the corresponding element in the document, a match is established therebetween and the corresponding element is extracted and stored in said edit result storage. However, Jaakkola discloses on page 8 that one may use the ‘\_\_’ keyword in sgrep to provide functionality such that by using the ‘\_\_’ keyword, it will work as for an AND connector wherein, if either of said first or second element-defining names sandwiching said AND connector specifies the corresponding element in the document, a match is established therebetween and the corresponding element is extracted and stored in said edit result storage. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow flexible searching in the documents.

31. **Regarding dependent claim 15**, Blinn fails to disclose a method, wherein if a match is established in connection with only one of said first and second element-defining names, the element already stored in said edit result storage is deleted therefrom. Jaakkola discloses on page 7 that one may use the ‘equal’ keyword to retrieve only matches where both regions are matched to, which inherently involves a method wherein if a match is established in connection with only one of said first and second element-defining names, the element already stored in said edit result storage is deleted therefrom. It would have been obvious to one of ordinary skill in the art at the time of the invention to remove previously stored matches to avoid overflow.

32. **Regarding dependent claim 16**, Blinn fails to disclose a method, wherein said element edit statement contains an OR connector defined using a selected character and

accompanying first and second element-defining names which are provided in a manner to sandwich said OR connector, said two element-defining names being used to determine if the element, which forms part of the element search portion and is specified by either of said first and second element-defining names, is present in the element search portion of the document. Jaakkola discloses on page 7 that one may use the 'or' keyword to provide functionality such that wherein said element edit statement contains an OR connector defined using a selected character and accompanying first and second element-defining names which are provided in a manner to sandwich said OR connector, said two element-defining names being used to determine if the element, which forms part of the element search portion and is specified by either of said first and second element-defining names, is present in the element search portion of the document, because the keyword's function is to provide disjunctive searching. It would have been obvious to one of ordinary skill in the art at the time of the invention to use an OR connector to provide logical flexibility. However, Blinn and Jaakkola fail to disclose that the OR connector is a single character. However, Costales, on page 237, indicates that the vertical bar (|) is used in the C language to indicate bitwise OR compactly. It would have been obvious to one of ordinary skill in the art at the time of the invention to denote the OR operator compactly in the manner of Costales and use a vertical bar as a single character for OR.

33. **Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blinn.**
34. **Regarding dependent claim 19,** Blinn fails to disclose that the elements stored in said edit result storage are further edited before being retrieved from said document edit system. However, it was notoriously well known in the art at the time of the invention

that it is common to allow the user to edit data that is being processed in order to give them greater control over the processing. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the user to further edit the data in order to give them greater control over the processing

35. **Regarding dependent claim 20**, Blinn fails to disclose that said generating step (c) includes generating said resultant document that additionally includes a title heading of elements. However, it was notoriously well known in the art at the time of the invention that tables, such as those produced by the processing of Blinn, often include a title to identify the table. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the table include a title to identify the table.

36. **Regarding dependent claim 21**, it modifies claim 23 in an manner analogous to the way in which claim 20 modifies claim 22 and it is rejected under similar rationale.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 5,754,772 (filing date 3/26/1996)—Leaf

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan D. Schlaifer whose telephone number is (571) 272-4129. The examiner can normally be reached on 8:30-5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS



STEPHEN S. HONG  
PRIMARY EXAMINER